



General Assembly

Amendment

January Session, 2011

LCO No. 8628

SB0116008628SD0

Offered by:

SEN. STILLMAN, 20th Dist.

REP. FLEISCHMANN, 18th Dist.

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To: Subst. Senate Bill No. 1160

File No. 510

Cal. No. 296

**"AN ACT CONCERNING THE DEVELOPMENT OF A MODEL
TEACHER PERFORMANCE EVALUATION SYSTEM, AND
TEACHER TENURE LAWS AND COOPERATIVE
ARRANGEMENTS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (f) of section 10-262i of the general statutes, as
4 amended by section 190 of house bill 6651 of the current session, is
5 repealed and the following is substituted in lieu thereof (*Effective July*
6 *1, 2011*):

7 (f) (1) [For] Except as otherwise provided under the provisions of
8 subdivisions (3) and (4) of this subsection, for the fiscal year ending
9 June 30, 2012, the budgeted appropriation for education shall be not
10 less than the budgeted appropriation for education for the fiscal year
11 ending June 30, 2011, plus any reductions made pursuant to section 19

12 of public act 09-1 of the June 19 special session, except that (A) for the
13 fiscal year ending June 30, 2012, any district with a number of resident
14 students for the school year commencing July 1, 2011, that is lower
15 than such district's number of resident students for the school year
16 commencing July 1, 2010, may reduce such district's budgeted
17 appropriation for education by the difference in number of resident
18 students for such school years multiplied by three thousand, provided
19 such reduction shall not exceed one-half of one per cent of the district's
20 budgeted appropriation for education for the fiscal year ending June
21 30, 2011. [A town shall not be eligible to reduce its budgeted
22 appropriation for education pursuant to this subdivision if the school
23 district for the town is in its third year or more of being identified as in
24 need of improvement pursuant to section 10-223e, and (A) has failed to
25 make adequate yearly progress in mathematics or reading at the whole
26 district level, or (B) has satisfied the requirements for adequate yearly
27 progress in mathematics or reading pursuant to Section 1111(b)(2)(I) of
28 Subpart 1 of Part A of Title I of the No Child Left Behind Act, P.L. 107-
29 110, as amended from time to time] and (B) for the fiscal year ending
30 June 30, 2012, any district that (i) does not maintain a high school and
31 pays tuition to another school district pursuant to section 10-33 for
32 resident students to attend high school in another district, and (ii) the
33 number of resident students attending high school for such district for
34 the school year commencing July 1, 2011, is lower than such district's
35 number of resident students attending high school for the school year
36 commencing July 1, 2010, may reduce such district's budgeted
37 appropriation for education by the difference in number of resident
38 students attending high school for such school years multiplied by the
39 tuition paid per student pursuant to section 10-33, provided such
40 reduction shall not exceed one-half of one per cent of the district's
41 budgeted appropriation for education for the fiscal year ending June
42 30, 2011.

43 (2) [For] Except as otherwise provided under the provisions of
44 subdivisions (3) and (4) of this subsection, for the fiscal year ending
45 June 30, 2013, the budgeted appropriation for education shall be not

46 less than the budgeted appropriation for education for the fiscal year
47 ending June 30, 2012, except that (A) for the fiscal year ending June 30,
48 2013, any district with a number of resident students for the school
49 year commencing July 1, 2012, that is lower than such district's number
50 of resident students for the school year commencing July 1, 2011, may
51 reduce such district's budgeted appropriation for education by the
52 difference in number of resident students for such school years
53 multiplied by three thousand, provided such reduction shall not
54 exceed one-half of one per cent of the district's budgeted appropriation
55 for education for the fiscal year ending June 30, 2012, [A town shall
56 not be eligible to reduce its budgeted appropriation for education
57 pursuant to this subdivision if the school district for the town is in its
58 third year or more of being identified as in need of improvement
59 pursuant to section 10-223e, and (A) has failed to make adequate
60 yearly progress in mathematics or reading at the whole district level,
61 or (B) has satisfied the requirements for adequate yearly progress in
62 mathematics or reading pursuant to Section 1111(b)(2)(I) of Subpart 1
63 of Part A of Title I of the No Child Left Behind Act, P.L. 107-110, as
64 amended from time to time] and (B) for the fiscal year ending June 30,
65 2013, any district that (i) does not maintain a high school and pays
66 tuition to another school district pursuant to section 10-33 for resident
67 students to attend high school in another district, and (ii) the number
68 of resident students attending high school for such district for the
69 school year commencing July 1, 2012, is lower than such district's
70 number of resident students attending high school for the school year
71 commencing July 1, 2011, may reduce such district's budgeted
72 appropriation for education by the difference in number of resident
73 students attending high school for such school years multiplied by the
74 tuition paid per student pursuant to section 10-33, provided such
75 reduction shall not exceed one-half of one per cent of the district's
76 budgeted appropriation for education for the fiscal year ending June
77 30, 2012.

78 (3) [Notwithstanding the provisions of subdivisions (1) and (2) of
79 this subsection, the] The Commissioner of Education may permit a

80 district to reduce its budgeted appropriation for education for the
81 fiscal year ending June 30, 2012, or June 30, 2013, in an amount
82 determined by the commissioner if such district has permanently
83 ceased operations and closed one or more schools in the district due to
84 declining enrollment at such closed school or schools in the fiscal year
85 ending June 30, 2011, June 30, 2012, or June 30, 2013.

86 (4) No town shall be eligible to reduce its budgeted appropriation
87 for education for the fiscal years ending June 30, 2012, and June 30,
88 2013, pursuant to this subsection if (A) the school district for the town
89 is in its third year or more of being identified as in need of
90 improvement pursuant to section 10-223e, and (i) has failed to make
91 adequate yearly progress in mathematics or reading at the whole
92 district level, or (ii) has satisfied the requirements for adequate yearly
93 progress in mathematics or reading pursuant to Section 1111(b)(2)(I) of
94 Subpart 1 of Part A of Title I of the No Child Left Behind Act, P.L. 107-
95 110, as amended from time to time, or (B) the school district for the
96 town (i) has been identified as in need of improvement pursuant to
97 section 10-223e, and (ii) has a poverty rate greater than ten per cent.
98 For purposes of this subparagraph, "poverty rate" means the quotient
99 of the number of related children ages five to seventeen, inclusive, in
100 families in poverty in a school district, divided by the total school age
101 population of such school district based on the 2009 population
102 estimate produced by the Bureau of Census of the United States
103 Department of Commerce.

104 Sec. 2. Section 10-66dd of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective July 1, 2011*):

106 (a) For purposes of this section, "school professional" means any
107 school teacher, administrator or other personnel certified by the State
108 Board of Education pursuant to section 10-145b.

109 (b) (1) Subject to the provisions of this subsection and except as may
110 be waived pursuant to subsection (d) of section 10-66bb, charter
111 schools shall be subject to all federal and state laws governing public

112 schools.

113 (2) [At] Subject to the provisions of subdivision (5) of this
114 subsection, at least one-half of the persons providing instruction or
115 pupil services in a charter school shall possess the proper certificate
116 other than (A) a certificate issued pursuant to subdivision (1) of
117 subsection (c) of section 10-145b, or (B) a temporary certificate issued
118 pursuant to subsection (c) of section 10-145f on the day the school
119 begins operation and the remaining persons shall possess a certificate
120 issued pursuant to said subdivision (1) or such temporary certificate
121 on such day.

122 (3) The commissioner may not waive the provisions of chapters 163c
123 and 169 and sections 10-15c, 10-153a to 10-153g, inclusive, 10-153i, 10-
124 153j, 10-153m and 10-292.

125 (4) The state charter school governing council shall act as a board of
126 education for purposes of collective bargaining. The school
127 professionals and persons holding a charter school educator permit,
128 issued by the State Board of Education pursuant to section 3 of this act,
129 employed by a local charter school shall be members of the
130 appropriate bargaining unit for the local or regional school district in
131 which the local charter school is located and shall be subject to the
132 same collective bargaining agreement as the school professionals
133 employed by said district. A majority of those employed or to be
134 employed in the local charter school and a majority of the members of
135 the governing council of the local charter school may modify, in
136 writing, such collective bargaining agreement, consistent with the
137 terms and conditions of the approved charter, for purposes of
138 employment in the charter school.

139 (5) For the school year commencing July 1, 2011, and each school
140 year thereafter, the Commissioner of Education may waive the
141 requirements of subdivision (2) of this subsection for any
142 administrator or person providing instruction or pupil services
143 employed by a charter school who holds a charter school educator

144 permit, issued pursuant to section 3 of this act, provided not more than
145 thirty per cent of the total number of administrators and persons
146 providing instruction or pupil services employed by a charter school
147 hold the charter school educator permit for the school year.

148 (6) For the school year commencing July 1, 2011, and each school
149 year thereafter, any administrator holding a charter school educator
150 permit, issued pursuant to section 3 of this act, shall be authorized to
151 supervise and conduct performance evaluations of any person
152 providing instruction or pupil services in the charter school that such
153 administrator is employed.

154 (c) School professionals employed by a local or regional board of
155 education shall be entitled to a two-year leave of absence, without
156 compensation, in order to be employed in a charter school provided
157 such leave shall be extended upon request for an additional two years.
158 At any time during or upon the completion of such a leave of absence,
159 a school professional may return to work in the school district in the
160 position in which he was previously employed or a comparable
161 position. Such leave of absence shall not be deemed to be an
162 interruption of service for purposes of seniority and teachers'
163 retirement, except that time may not be accrued for purposes of
164 attaining tenure. A school professional who is not on such a leave of
165 absence and is employed for forty school months of full-time
166 continuous employment by the charter school and is subsequently
167 employed by a local or regional board of education shall attain tenure
168 after the completion of twenty school months of full-time continuous
169 employment by such board of education in accordance with section 10-
170 151.

171 (d) (1) An otherwise qualified school professional hired by a charter
172 school prior to July 1, 2010, and employed in a charter school may
173 participate in the state teacher retirement system under chapter 167a
174 on the same basis as if such professional were employed by a local or
175 regional board of education. The governing council of a charter school
176 shall make the contributions, as defined in subdivision (7) of section

177 10-183b for such professional.

178 (2) An otherwise qualified school professional hired by a charter
179 school on or after July 1, 2010, and who has not previously been
180 employed by a charter school in this state prior to July 1, 2010, shall
181 participate in the state teacher retirement system under chapter 167a
182 on the same basis as if such professional were employed by a local or
183 regional board of education. The governing council of a charter school
184 shall make the contributions, as defined in subdivision (7) of section
185 10-183b for such professional.

186 (3) Any administrator or person providing instruction or pupil
187 services in a charter school who holds a charter school educator permit
188 issued by the State Board of Education pursuant to section 3 of this act
189 shall participate in the state teacher retirement system under chapter
190 167a pursuant to subdivision (2) of this section when such
191 administrator or person providing instruction or pupil services obtains
192 professional certification pursuant to section 10-145b.

193 Sec. 3. (NEW) (*Effective July 1, 2011*) Subject to the provisions of
194 subdivision (5) of subsection (b) of section 10-66dd of the general
195 statutes, as amended by this act, the State Board of Education, upon
196 the request of the state charter school governing council, may issue a
197 charter school educator permit to a person who is employed by a
198 charter school as a teacher or administrator and does not hold the
199 initial educator, provisional educator or professional educator
200 certificate if such person (1) achieves satisfactory scores on the state
201 reading, writing and mathematics competency examination prescribed
202 by and administered under the direction of the State Board of
203 Education, or qualifies for a waiver of such test based on criteria
204 approved by the State Board of Education, (2) achieves a satisfactory
205 evaluation on the appropriate State Board of Education approved
206 subject area assessment, and (3) demonstrates evidence of
207 effectiveness. Such permit shall authorize a person to serve as an
208 administrator or teacher in the charter school employing such person.
209 Each such charter school educator permit may be renewed by the

210 Commissioner of Education for good cause upon the request of the
211 state charter school governing council employing such person at the
212 time the charter for the school is renewed.

213 Sec. 4. Subsection (a) of section 10-153b of the general statutes is
214 repealed and the following is substituted in lieu thereof (*Effective July*
215 *1, 2011*):

216 (a) Whenever used in this section or in sections 10-153c to 10-153n,
217 inclusive: (1) The "administrators' unit" means the [certified]
218 professional employee or employees in a school district or charter
219 school not excluded from the purview of sections 10-153a to 10-153n,
220 inclusive, employed in positions requiring an intermediate
221 administrator or supervisor certificate, or the equivalent thereof, or
222 charter school educator permit, issued by the State Board of Education
223 under the provisions of section 3 of this act, and whose administrative
224 or supervisory duties, for purposes of determining membership in the
225 administrators' unit, shall equal at least fifty per cent of the assigned
226 time of such employee. Certified professional employees covered by
227 the terms and conditions of a contract in effect prior to October 1, 1983,
228 shall continue to be covered by such contract or any successor contract
229 until such time as the employee is covered by the terms and conditions
230 of a contract negotiated by the exclusive bargaining unit of which the
231 employee is a member for purposes of collective bargaining pursuant
232 to the provisions of this section. (2) The "teachers' unit" means (A) the
233 group of professional employees who hold a certificate or durational
234 shortage area permit issued by the State Board of Education under the
235 provisions of sections 10-144o to 10-149, inclusive, and are employed
236 by a local or regional board of education in positions requiring such a
237 certificate or durational shortage area permit and are not included in
238 the administrators' unit or excluded from the purview of sections 10-
239 153a to 10-153n, inclusive, and (B) the group of professional employees
240 who hold a certificate, durational shortage area permit issued by the
241 State Board of Education under the provisions of sections 10-144o to
242 10-149, inclusive, or a charter school educator permit issued by the
243 State Board of Education under the provisions of section 3 of this act,

244 and are employed by a charter school in positions requiring such a
 245 certificate, durational shortage area permit or charter school educator
 246 permit and are not included in the administrators' unit or excluded
 247 from the purview of sections 10-153a to 10-153n, inclusive. (3)
 248 "Commissioner" means the Commissioner of Education. (4) "To post a
 249 notice" means to post a copy of the indicated material on each bulletin
 250 board for teachers in every school in the school district or, if there are
 251 no such bulletin boards, to give a copy of such information to each
 252 employee in the unit affected by such notice. (5) "Budget submission
 253 date" means the date on which a school district is to submit its
 254 itemized estimate of the cost of maintenance of public schools for the
 255 next following year to the board of finance in each town having a
 256 board of finance, to the board of selectmen in each town having no
 257 board of finance and, in any city having a board of finance, to said
 258 board, and otherwise to the authority making appropriations therein.
 259 (6) "Days" means calendar days."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2011</i>	10-262i(f)
Sec. 2	<i>July 1, 2011</i>	10-66dd
Sec. 3	<i>July 1, 2011</i>	New section
Sec. 4	<i>July 1, 2011</i>	10-153b(a)